



An Introduction to the Employment Service Complaint System.

October 3, 2008

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Why do we have an Employment Service (ES) Complaint System?

- Federal Regulation 20 CFR 658.400 mandates each state establish and maintain an ES complaint system
- Judge Richey's Court Order in 1972 established separate timelines for handling the complaints of Migrant and Seasonal FarmWorkers.



Who Administers the ES Complaint System in Michigan?

- The Department of Labor & Economic Growth, Bureau of Workforce Transformation Director, has overall responsibility for the operation of the ES complaint system.
- At the Michigan Works Service Center, the Complaint Coordinator is responsible for the management of the ES complaint system.
- The State Complaint Specialist oversees complaints against State workers.



The ES Complaint System...

- Promotes compliance with employment laws.
- Causes the removal of ES services from employers who do not comply with employment laws.
- Addresses complaints about violations of ES regulations by Service Center and SOM staff



The ES Complaint System Supports Business

- Assures a level playing field among employers
- Sends qualified job seekers to employers following employment laws
- Reduces competitive advantage of illegal employment practices
- Promotes consistent employment practices
- Educates and provides guidance to employers



Overview of the ES Complaint System

- The ES complaint system provides customers with a formal mechanism to make complaints about the services or treatment they received through the Employment Service or to make employment-related complaints



Confidentiality

- All information must be kept confidential to the maximum extent possible.



Who May File an ES Complaint?

- Any individual, organization, or employer may file a complaint under the ES complaint system, provided the complaint alleges that the Employment Service agency, an employer, or both failed to comply with ES regulations.



How are ES Complaints Filed?

- A complainant comes into a MW Service Center to file a complaint, OR
- A written complaint signed by the complainant, that includes sufficient information for the complaint coordinator to initiate the process, is received in the office. This may be accepted in lieu of the individual filing the complaint in person.



How Complaints are NOT Accepted

- Telephoned complaints cannot be accepted.
- Complaints cannot be filed anonymously.



How do You Know When a Customer Has a Complaint?

1. They say they have a complaint



How do You Know When a Customer Has a Complaint?

2. They indicate there may be a problem.

Examples:

- I didn't get paid correctly.
- The job I had (or you sent me to) wasn't safe.
- My friend and I both applied for services; I wasn't helped by MW Service Center.
- I was fired for complaining about harassment or for talking to Occupational Safety & Health Administration (OSHA)



Types of Complaints

1) ES Related

- Against Employers
- Against Service Center or SOM Staff

2) Non-ES Related



ES-Related Complaints

1. A violation of an employment-related law

Example:

- Service Center/SOM staff referred the complainant to the specific employer who did not pay the employee for hours worked



ES-Related Complaints

2. Alleged violations of the Michigan Talent Bank (MTB) job listing conditions or ES regulations

Example:

- Service Center/SOM staff referred the complainant to the specific employer. Employer paid the worker \$7.40 per hour but the MTB job order stated \$8.00 per hour.



ES-Related Complaints

3. Violation of ES regulations, by action or omission

Example:

- The customer was denied the opportunity to file a complaint



Non-ES-Related Complaints

1. Complaints against an employer to whom the Service Center/SOM staff did not refer the job seeker and the job was not posted on the MTB

Example:

- Complainant obtained employment on his/her own at a local school and is being paid below the state hourly minimum wage



Non-ES-Related Complaints

2. Complaints that were not reported to ES within 12 months of the alleged incidents are all considered Non-ES-related complaints



What is Your Responsibility?

- Always refer complainants to the Complaint Coordinator assigned to your MW Service Center, with TWO EXCEPTIONS:
 - Complaints against State Employees,
 - Complaints involving discrimination.



Exception One – State Workers

- If complaint is against a SOM employee, assist the complainant to contact the State Complaint Specialist:
 - Joe Billig, 517-241-8614



Exception Two - Discrimination

- If the complaint alleges *discrimination* by a state employee, then assist the complainant to contact the State EO Officer: Mildred Williams, 517-373-7675
- If the complaint alleges discrimination in access to or receipt of a federally funded program or activity, refer immediately to the MWA EO officer.



Processing and Resolving ES Complaints

- Processing and resolving complaints is the responsibility of the Michigan Works Service Center Complaint Coordinator, the State Complaint Specialist, and the EO officers.



FYI ONLY: Complaints are Resolved

When any of the following conditions are met:
the complainant . .

- indicates satisfaction with the outcome
- chooses not to elevate the complaint to the next level
- fails to respond, within allowable timeframes, to a written request by the appropriate local or state office
- exhausts the final level of review or
- A final determination has been made by the enforcement agency to which the complaint was referred



Important things to remember as a result of this webinar:

- Listen to your customers.
- Refer *complainants* to your Complaint Coordinator.
- Refer *complaints against state workers* to the State Complaint Coordinator, Joe Billig, 517-241-8614.
- Refer *discrimination allegations against state workers* to Mildred Williams, 517-373-7675.
- Refer *all other discrimination allegations* to your local MWA EO officer.



Introduction to the Employment Service Complaint System

PowerPoint will be posted on www.michigan.gov/bwt in the next few days.

To request a copy of the PowerPoint.
send an email to hbskyd@michigan.gov.

Today's Presenter was Gerry Aranda,
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